

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
STATESBORO DIVISION**

XAVIER DANIELS,

Plaintiff,

v.

FIELD OPERATIONS MANAGER UPTON;  
ROBERT TOOLE; and STANLEY  
WILLIAMS,


Defendants.

CIVIL ACTION NO.: 6:16-cv-94

**ORDER**

After an independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, (doc. 12), to which Objections have been filed. The Court **OVERRULES** Plaintiff's Objections, (doc. 14), and **ADOPTS** the Report and Recommendation as the opinion of the Court. The Court **DISMISSES** all monetary damages claims against Defendants in their official capacities and all claims for punitive and compensatory damages. The Court also **DISMISSES** Plaintiff's Eighth Amendment claims based on the conditions of his confinement and Defendant's alleged failure to protect Plaintiff. However, Plaintiff arguably sets forth plausible claims that Defendants violated his due process rights during his period of administrative confinement at Georgia State Prison. Consequently, his claims for injunctive relief and nominal damages on those claims will proceed.

**SO ORDERED**, this 20<sup>th</sup> day of September, 2016.

  
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HONORABLE J. RANDAL HALL  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF GEORGIA